

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-41305 of 2014
Date of Decision: 31.8.2015.**

Raj Pal Sekhon

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Pankaj Bali, Advocate
for the petitioner.

Ms. Mahima, AAG, Haryana.

Mr. S.K.Bawa, Advocate
for the complainant.

SABINA, J.

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No. 1 dated 4.1.2013 under Section 420, 406, 467, 468, 471, 506, 120-B of the Indian Penal Code, 1860, registered at Police Station Sector-40, Gurgaon, Haryana.

Prosecution story, in brief, is that petitioner was owner of the house in question and approached the complainant for sale of the said house for ₹ 80,00,000/-. Complainant and his brother agreed to purchase the house in question and an agreement to sell was executed in this regard on 30.8.2010. At the time of execution of agreement to sell, ₹ 65,00,000/- were paid to the petitioner by way of earnest money. However, the petitioner had failed to perform her part of the contract. Petitioner had failed to clear the house loan before the stipulated date, although, she was required to do

SO.

Heard.

In the present case, notice of motion was issued as the learned counsel for the petitioner had submitted that the petitioner was ready to repay the amount in question along with interest to the complainant. However, admittedly, the amount in question has not been repaid by the petitioner to the complainant. The case was sent to Mediation and Conciliation Centre but no settlement could be arrived between the parties. On the last date, learned counsel for the petitioner had taken an adjournment and had stated that the petitioner will hand over the vacant possession of the house in question to the complainant within a week in view of the compromise effected between the parties. However, the needful has not been done.

In view of the above factual position, no ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

**(SABINA)
JUDGE**

August 31, 2015
Gurpreet